



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/747,040	12/22/2000	Christoph T. Corvin	GEMS:0123/yod 15-EC-5764	4691
7590 03/21/2007 Patrick S. Yoder Fletcher, Yoder & Van Someren P.O. Box 692289 Houston, TX 77269-2289			EXAMINER FELTEN, DANIEL S	
			ART UNIT	PAPER NUMBER
			3693	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
2 MONTHS	03/21/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

MAR 21 2007

GROUP 3600

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/747,040
Filing Date: December 22, 2000
Appellant(s): CORVIN, CHRISTOPH T.

John M. Rariden
(Reg. No. 54,388)
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 12/04/2006 appealing from the Office action mailed 5/18/2006.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

McCormack, J., "Aworldwide Network of supplies", Health Data Management, pgs. 54-60(July 1999)

Kalbhen, J., "Buying On the Web" A Site-Seers Guide", Materials Management in Health Care, Vol. 8, No. 7, pgs. 16-20 (July 1999)

6,167,385

Hartley-Urquhart

12-2000

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-9, 11-19, 21-37, 39-43 and 45-60 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCormack, J., "A Worldwide Network of Supplies"; Health Data Management, p. 54-60 (July 1999) (hereinafter "McCormack"); Kalbhen, J., "Buying On The Web: A Site-Seers Guide", Materials Management in Health Care, Vol. 8, No. 7, p 16-20 (July 1999) (herein after Kalbhen) and Hartley- Urquhart (US 6,167, 385).

Hartley-Urquhart discloses, as in claims 1, 17, 40, a method and system for supply chain financing which involves analyzing transactions for resources in a facility (buyer-210) (see col. 3, ll. 16+),

Providing access to financial analysis system (230) for a resource supplier via a network (240) (see col. 4, ll. 29+),

interface including a form (Purchase Order—PO)for entering client data for resources (see col. 4, ll. 36+),

receiving the client data from the network interface via the network (see col. 4 , ll. 36+),

analyzing the client data in the financial analysis system (see col. 3, ll. 16+);
providing a plurality of financial transaction options tailored to the client data (see PO, col. 6, ll. 29-37; col. 8, ll. 50+); and transmitting the plurality of financial transaction options to a client via the network (see col. 8, ll. 50+),

McCormack discloses receiving client trade data for a purchasing transaction for medical resources. It would have been obvious for an artisan at the time of the invention to integrate the teachings of McCormack into Hartley-Urquhart because an artisan at the time of the invention would have recognized the growing trend in medical supply chain management along with the notoriously old and well known high costs associated with the supply chain and have sought provide a system that would provide affordable, efficient and flexible financing for goods and services.

On the other hand it would have been obvious for an artisan at the time of the invention to have employed the use medical supply equipment websites mentioned by McCormack and Kalbhen (see medibuy, neoforma, et al.,) because an artisan at the time of the invention would have recognized such items have goods that are supplied by suppliers to medical facilities within a supply management configuration that would require supply chain financing with various purchasing options. Thus to employ any of the supply chain medical supply websites disclosed in McCormack and Kalbhen within the invention of Hartley-Urquhart would be what one would expect within the limitations of electronic supply chain management of goods and services. Thus to provide financing for medical supplies using the combination of the teachings of

McCormack, Kalbhen and Hartley-Urquhart would be considered unpatentable being within the expectations of one of ordinary skill in the art.

(10) Response to Argument

The applicant argues that the prior art does not recite “providing access to a financial analysis system or financial module”. Particularly the applicant asserts that the bank 230 in Hartley-Urquhart is not the financial system claimed because it does not analyze the client data for obtaining a medical resource. The Examiner takes issue with this. The applicant’s specification the applicant’s exemplary embodiment of the financial analysis system is described broadly as a financial engine that *may be* a “remote analysis system” which may have rules an interface module and a financial module calculator (see specification, page 11, lines 14-21). Hartley-Urquhart discloses a method for financing a supply of goods from a supplier to a buyer. The bank 230 is considered an art recognized equivalent to the applicant’s financial analysis system because client data is used and there may be remote access to the bank (see column 3, lines 26-48; and column 4, lines 14-36). It is respectfully asserted that the applicant’s specification does not exclude a bank within the definition of a financial analysis system. It is asserted that one of ordinary skill in the art would have considered it reasonable for the bank (or a bank) disclosed in Hartley-Urquhart as providing financial analysis for the client by providing notoriously old and well known concept of “financing”. It is asserted that “financing” is primarily provided for the *client* or buyer by the bank. It is also asserted that it is within reason to suggest that the client would indeed have to provide data to the bank so that the bank can suggest terms to the client. It is also asserted that the applicant was given ample opportunity to amend the specification to limit the definition of a financial analysis system to something other than a bank, but has chosen not

do so. Thus it has been concluded by the examiner that the applicant is providing a more stringent standard on the prior art than is found within the applicant's specification. This seems to be a reversal of appropriate roles where, in relation to obviousness, prior art is provided based upon what the art suggests to one of ordinary skill in the art.

Furthermore, secondary references McCormack and Kalbhen, where provided to the applicant to show that one of ordinary skill in the art at the time of the invention would have integrated or considered the use of remote or Internet electronic data in supply chains for medical supply resources.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

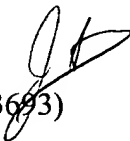
Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Daniel S. Felten".

Daniel S. Felten

Conferencess:

Vincent Millin 
(Appeals Practice Specialist)

James Kramer 
(SPE Art Unit 3693)